## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

DOCKET NO. 3:07-cv-00410-W (3:92-cr-238)

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	ORDER
KAREEM ABDUL TOMLIN,	)	
Defendant.	)	

THE MATTER is before the Court on Defendant's Motion for Clarity (Doc. No. 13 in case number 3:92-cr-00238). As a threshold matter, because the nature of Defendant's motion concerns the correction of his sentence, the motion is appropriately construed as a petition made pursuant to 28 U.S.C. § 2255.

Because this motion was filed outside the limitations period for filing such petition, Defendant's motion is untimely. Furthermore, the order upon which Defendant seeks clarity is not unclear. Indeed, it is clear by the plain reading of the order that the Honorable Robert D. Potter always intended that Defendant should be viewed as an adult for all purposes related to the crime and the sentence associated with the crime. The order signed by Judge Potter on February 8, 1994, expressly replaces all references to Defendant as a juvenile by stating, "IT IS FURTHER ORDERED that all references in the file [in case 3:92-cr-00238] to 'A Juvenile Male' be replaced with the name 'Kareem Abdul Tomlin.'"

IT IS HEREBY ORDERED that the Defendant's Motion for Clarity is DENIED. IT IS SO ORDERED.

Signed: September 27, 2007

Frank D. Whitney

United States District Judge

Thithey